

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD A. MIKKELSON DDS,

Plaintiff,

Civil Action No. 2:20-cv-05378-BJR

v.

**STIPULATED MOTION AND
ORDER**

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

1 Plaintiff Ronald A. Mikkelson, DDS and Defendant Aspen American Insurance Company
2 stipulate that Defendant shall respond to Plaintiff's amended complaint on the same schedule the
3 Court has established in three other pending matters between Defendant and plaintiffs represented
4 by Plaintiff's counsel, Keller Rohrbach.

5 WHEREAS:

6 1. On September 9, 2020, Defendant moved to dismiss Plaintiff's lawsuit for failure to
7 state a claim upon which relief can be granted.

8 2. On September 28, 2020, Plaintiff filed an amended complaint.

9 3. Under the Federal Rules of Civil Procedure, Defendant's response to Plaintiff's
10 amended complaint was due October 13, 2020 and is currently due October 27, 2020 pursuant to a
11 stipulation entered by the Court on October 13, 2020.

12 4. The Court has directed the parties to this action and numerous other COVID-19
13 business interruption insurance actions pending in this District to meet and confer as to how all of
14 those actions might be most efficiently managed. The parties are in the midst of that meet and
15 confer process.

16 5. The Court has set a case management conference in these actions for November 9,
17 2020.

18 6. On October 21, 2020, the Court entered orders in three other matters between
19 Defendant and plaintiffs represented by Plaintiff's counsel. In those orders, the Court stayed
20 Defendant's deadlines to respond to plaintiffs' complaints until after the November 9, 2020 case
21 management conference, at which the Court will issue new deadlines. The three other matters are
22 *Wade K. Marler, DDS v. Aspen American Insurance Company*, No. 2:20-cv-00616-BJR; *Karla*
23 *Aylen, DDS, PLLC v. Aspen American Insurance Company*, No. 2:20-cv-00717-BJR; and *Kathryn*
24 *L. Jagow, DDS v. Aspen American Insurance Company*, No. 2:20-cv-01205-BJR.

25 7. In the interest of efficiency, the parties have agreed to place this case on the same
26 schedule the Court set for *Marler, Aylen* and *Jagow*.

27 8. The stipulation will not prejudice either party. The parties do not waive any claims
28 or defenses with this stipulation.

1 IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that
2 Defendant's obligation to respond to Plaintiff's complaint is stayed pending the scheduled
3 November 9, 2020 case management conference, at which the Court will establish a new deadline.

4 The parties respectfully request the Court to enter the accompanying Proposed Order
5 granting the relief to which the parties have stipulated.
6

7 DATED this 26th day of October, 2020.

8
9 KELLER ROHRBACK L.L.P.

SIDLEY AUSTIN LLP

10 /s/ Karin Swope*

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16 **Signed with permission.*

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20 ***Attorneys for Defendant***

ORDER

The Court has considered Plaintiff Ronald Mikkelsen DDS and Defendant Aspen American Insurance Company's Stipulated Motion and [Proposed] Order. The Court **HEREBY ORDERS** that Defendant's deadline to respond to Plaintiff's complaint is stayed pending the November 9, 2020 case management conference, at which the Court will issue a new deadline.

IT IS SO ORDERED.

Dated: October 26, 2020.



Honorable Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE